



Docket No.: P-0219

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 4938

Jae Kyung LEE et al.

Group Art Unit: 2623

Serial No.: 09/840,881

Examiner: S. Beliveau

Filed: 4/25/2001

Customer No.: 34610

For: DIGITAL TELEVISION THAT DISPLAYS FUNCTIONAL/FEATURE
INFORMATION USING STORED PRODUCT AND SITE INFORMATION (As
Amended)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office
Customer Service Window - **Mail Stop AF**
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicants request review (and reconsideration) of the rejection set forth in the Office Action dated July 7, 2006. No amendments are being filed with this Request. This Request is being filed concurrently with a Notice of Appeal. The review is requested for the reasons set forth below.

The Office Action rejects claims 1-10, 12, 13, 15-18 and 20-26 under 35 U.S.C. §103(a) over U.S. Patent 6,202,212 to Sturgeon et al. (hereafter Sturgeon) in view of U.S. Patent Publication 2004/0024657 to Wright et al. (hereafter Wright).

Applicants respectfully submit that the Office Action includes an omission of one or more essential elements needed for a *prima facie* rejection. More specifically, MPEP §2142 states

that in order to establish a *prima facie* case of obviousness, the prior art must teach or suggest all the claim limitations. Sturgeon and Wright, either alone or in combination, do not teach or suggest a TV that includes a controlling unit to access information from an Internet site using stored proper information of a TV in response to a user pressing a function selection key, as recited in independent claim 1 (as well as other features recited in the claims). Therefore, the Office Action has failed to establish a *prima facie* case of obviousness (as to independent claim 1 and the other claims).

The Office Action (on page 3) states that Sturgeon does not disclose storing proper information of a TV and contact information of an Internet site. The Office Action relies on Wright for the missing features of independent claim 1. However, Wright does not teach or suggest storing proper information of a TV. Wright does not relate to a television and therefore has no suggestion for a TV including a storing unit for storing proper information of the TV and/or a controlling unit to access information using the stored proper information of the TV.

Neither Sturgeon nor Wright teaches a TV that includes a controlling unit to access information from an Internet site using stored proper information of a TV in response to a user pressing a function selection key, as recited in independent claim 1. Applicants respectfully submit that the Office Action omits claimed features that are required for a *prima facie* rejection. The outstanding rejection should be withdrawn or reversed at least for this reason.

Further, Sturgeon merely discloses that a PC Theater Online User's Guide may be accessed from a Main Menu by use of a Help button. See col. 12, lines 10-12 and col. 11, line 60-col. 12, line 12. However, when accessing the User's Guide (by use of a Help button) there is no suggestion to access information from an Internet site using stored proper information of a TV

in response to a user pressing a function selection key. Rather, Sturgeon merely discloses to call up a PC Theater's User Guide. This does not suggest to access information using stored proper information (where a storing unit for storing proper information of a TV and contact information of an Internet site).

Wright discloses that a label stored in a memory may indicate a web page of a product (such as by storing a URL). See paragraph [0027]. However, this does not correspond to a TV that includes a storing unit for storing proper information of the TV and contact information of an Internet site. Wright accesses web pages. Wright does not suggest a TV to store proper information of the TV and/or to access information from an Internet site using the stored proper information. Further, there is no suggestion that Wright utilizes a product name, a serial number, a company, a patent number, etc. in order to access information from the Internet. See Wright's paragraph [0023].

Additionally, applicants respectfully submit that there is no suggestion to modify Sturgeon so as to include a TV that accesses information from an Internet site using stored proper information of the TV. Rather, the only suggestion for the claimed features is provided in applicants' own specification. The Office Action relies on impermissible hindsight in order to combine the references in an attempt to find these claimed features.

Accordingly, applicants respectfully submit that Sturgeon and Wright do not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 10 recites when a key selection is made by a user, transmitting stored proper information of the TV from the TV to a product-related site by using stored contact

information of the product-related site stored in the TV in advance of the key selection by the user, wherein the proper information includes a model name or a model number of the TV.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 10. Additionally, Sturgeon and Wright do not relate to a model name and/or model number of a TV. At best, Wright merely discloses that a product name or serial number may be included on a label. However, this does not suggest a model name or model number of a TV in combination with the storing of this information (of the TV) and transmitting the information from the TV to a product-related site. Wright's paragraph [0023] does not suggest transmitting a model name or a model number of a TV. Additionally, there is no motivation in the prior art to modify Sturgeon's home theater computer system to include storing/transmitting a model name or model number of a TV. Accordingly, independent claim 10 defines patentable subject matter.

Independent claim 20 recites receiving a key signal indicating a desire to obtain product-related information and transmitting previously-stored identifying information of a television system to a server in direct response to the received key signal, the identifying information having been stored in the television system prior to receiving the key signal.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 20. Further, Sturgeon and Wright do not teach or suggest transmitting previously-stored identifying information of a television system to a server in direct response to the received key signal. The Office Action (on page 9) appears to rely on Wright for these features. However, Wright clearly does not suggest a television system. Additionally, Wright discloses that the customer accesses the web site and subsequently chooses

from options on the web site related to the product. See Wright's paragraph [0024]. Therefore, Wright clearly does not "transmit previously-stored identifying information...in direct response to the received signal." Further, Sturgeon utilizes a Help button to access a general User's Guide. Neither reference suggests the claimed features relating to the key signal and the "in direct response" feature. Accordingly, independent claim 20 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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